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METROPOLITAN DADE COUNTY, FLORIDA



CONSUMER SERVICES DEPARTMENT  
OFFICE OF CABLE TELEVISION COORDINATION  
ROOM 901  
140 WEST FLAGLER STREET  
MIAMI, FLORIDA 33130-1564  
(305) 375-3677  
FAX (305) 375-4120  
TDD (305) 375-4177

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November 15, 1993

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street  
Washington, D.C. 20554

Re: MM Docket No. 92-266  
External Treatment of Retransmission Consent Fees

Dear Mr. Caton:

Enclosed please find an original plus nine copies of a complaint submitted by Metropolitan Dade County, Florida regarding the Federal Communications Commission's determination to afford external treatment to retransmission consent fees.

Sincerely:

A handwritten signature in cursive script, appearing to read 'Cathy Grimes Peel'.

Cathy Grimes Peel  
Cable Television Coordinator

Enclosures

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )

Implementation of Sections of the Cable )  
Television Consumer Protection and )  
Competition Act of 1992 )

Rate Regulation )

MM Docket No. 92-266

To: The Commission

**COMPLAINT REGARDING EXTERNAL TREATMENT**  
**OF RETRANSMISSION CONSENT FEES**

Metropolitan Dade County hereby submits this complaint in the above-captioned proceeding regarding the external treatment of retransmission consent fees.

Metropolitan Dade County is a local franchising authority for eight cable television systems. Combined, these systems provide cable services to approximately 350,000 cable subscribers.<sup>1</sup> The County has been the recipient of a significant number of complaints over the years regarding cable rates and has filed for certification to regulate basic cable television rates.

In the Federal Communications Commission's ("Commission") initial rate order<sup>2</sup>, the "Commission" determined that the retransmission consent fees paid by cable companies to

<sup>1</sup> The licensees include Tele-Communications, Inc., Adelphia, Rifkin & Associates, Colony Communications, and Americable.

<sup>2</sup> **Report and Order and Further Notice of Proposed Rulemaking**, MM Docket 92-266, 8 FCC Rcd 5631, 58 FR 29736 (May 21, 1993) ("**Rate Order**").

broadcasters would be treated as external costs. The Commission reaffirmed this position in the First Order on Reconsideration<sup>3</sup>. Under these orders, after October 5, 1994, cable companies may pass-thru to subscribers the amount of new retransmission consent fees and changes in retransmission consent fees.

On October 5, 1993, the Board of County Commissioners of Metropolitan Dade County, Florida adopted Resolution No. R-1225-93 (Attachment #1) asking the "Commission" to review its determination regarding the external treatment of retransmission consent fees. Metropolitan Dade County objects to affording external treatment to retransmission consent fees for the following reasons: 1) these costs will be passed along to subscribers creating a situation whereby cable subscribers could be unfairly charged high fees; and 2) the County has no authority to regulate retransmission consent fees.

Although the "Commission" limited pass-thru's to new or additional fees incurred after October 5, 1994, external treatment encourages retransmission consent agreements that provide for escalating fees so that all or most of the costs may be transferred directly to subscribers.

Metropolitan Dade County therefore submits this formal complaint objecting to the external treatment of such fees and urges the Commission to reconsider and review this determination.

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<sup>3</sup> **First Order on Reconsideration, Second Report and Order, and Third Notice of Proposed Rulemaking**, FCC 93-428, 58 FR 46718 (September 2, 1993) ("**First Rate Reconsideration**").

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Cathy Grimes Peel', written over a horizontal line.

Cathy Grimes Peel  
Cable Television Coordinator

Metropolitan Dade County  
Office of Cable Television  
Coordination  
Consumer Services Department  
140 West Flagler Street, Room 901  
Miami, Florida 33130  
(305) 375-3677

November 15, 1993

RESOLUTION NO. R-1225-93

**RESOLUTION URGING THE FEDERAL COMMUNICATIONS COMMISSION  
TO REVIEW ITS POLICY ALLOWING CABLE OPERATORS TO  
PASS ON TO CONSUMERS RETRANSMISSION CONSENT FEES  
AND DIRECTING STAFF TO FILE A FORMAL COMPLAINT  
WITH THE FEDERAL COMMUNICATIONS COMMISSION**

WHEREAS, pursuant to the Cable Television Consumer Protection and Competition Act of 1992 and the accompanying regulations adopted by the Federal Communications Commission ("FCC Regulations"), local cable operators are now required to obtain the consent of local broadcast stations before retransmitting the signals of the local stations; and

WHEREAS, the FCC Regulations further allow local broadcast stations to exact a retransmission fee in exchange for such consent; and

WHEREAS, as a result of the FCC's interpretation of the 1992 Cable Act certain fees charged to cable operators by local broadcast stations can be passed on to cable consumers beginning in October, 1994; and

WHEREAS, as a result of the federal legislation, Dade County has no authority to regulate either the retransmission fees charged to cable operators or the corresponding charges that could be passed on to cable consumers, creating a situation whereby cable consumers could be unfairly charged high fees; and

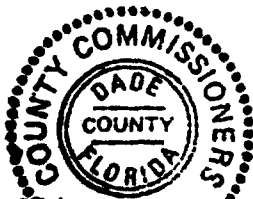
WHEREAS, the FCC is presently reviewing these issues.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA that this Board urges the FCC to review its policies allowing cable operators to pass on to consumers retransmission consent fees and directs staff to file with the FCC a formal complaint stating the Board's position on this issue.

The foregoing resolution was offered by Commissioner Pedro Reboredo , who moved its adoption. The motion was seconded by Commissioner Alexander Penelas and upon being put to a vote, the vote was as follows:

James Burke	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Maurice A. Ferre	aye
Larry Hawkins	aye	Bruce Kaplan	aye
Natacha S. Millan	aye	Dennis C. Moss	aye
Alexander Penelas	aye	Pedro Reboredo	aye
Javier D. Souto	aye	Sherman S. Winn	absent
Arthur E. Teele, Jr.	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 1993.



Approved by County Attorney as  
to form and legal sufficiency *MR*

DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

BY: **WILLIAM G. OLIVER**  
Deputy Clerk

STATE OF FLORIDA     )  
                              )   SS:  
COUNTY OF DADE     )

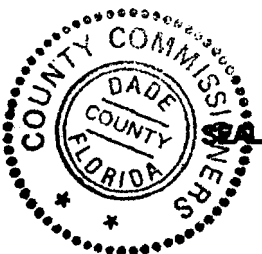
I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-1225-93, adopted by the said board of County Commissioners at its meeting held on October 5, 1993.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 7th day of October, A.D. 19 93.

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Dade County, Florida

By \_\_\_\_\_

Deputy Clerk



Board of County Commissioners  
Dade County, Florida